

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | MB Docket No. 04-428 |
| Table of Allotments, |) | RM-11124 |
| FM Broadcast Stations. |) | |
| (Clatskanie, Oregon, Long Beach and Ilwaco, |) | |
| Washington) |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 4, 2005

Released: May 6, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making and Order to Show Cause*¹ issued at the request of Portmeirion Partners (Petitioner), requesting the allotment of Channel 225C3 at Clatskanie, Oregon, as the community's first local service. We directed the *Order to Show Cause* to New Northwest Broadcasters, LLC, ("New Northwest") licensee of Station KAQX(FM), Long Beach, Washington, to show cause why its license should not be modified to specify operation on Channel 259A as proposed by Petitioner instead of the present Channel 224A. The *Notice* also proposed the substitution of Channel 253A for vacant Channel 259A at Ilwaco, Washington, as proposed by Petitioner to accommodate the Long Beach channel substitution. Petitioner filed comments, stating its continuing interest in pursuing the allotment, and its intention to apply for a construction permit. No other comments or counterproposals were received. New Northwest did not respond to the *Order to Show Cause*.

2. We believe the public interest would be served by allotting Channel 225C3 at Clatskanie, Oregon, as the community's first local service.² Clatskanie is an incorporated city with a 2000 U.S. Census population of 1,528 persons. Channel 225C3 can be allotted to Clatskanie in compliance with the minimum distance separation requirements of the Commission's rules at reference coordinates 46-17-44 North Latitude and 123-14-13 West Longitude with a site restriction of 21.5 kilometers (13.3 miles) north of the community. To accommodate the new allotment, we are substituting Channel 259A for Channel 224A at Long Beach, Washington at its current transmitter and modifying the license of Station KAQX to reflect this change.³ Although Petitioner has stated its willingness to reimburse New Northwest, we note that it is the ultimate permittee of the Clatskanie allotment who will be required to reimburse New

¹ *Clatskanie, Oregon, Long Beach and Ilwaco*, 19 FCC Rcd 23598 (MB 2004).

² The short spacing of the Clatskanie allotment to Station KAST-FM, Channel 225C1 at Astoria, Oregon was eliminated, pursuant to a *Report and Order* issued in MB Docket 02-136. See *Arlington, et al.*, 19 FCC Rcd 12803 (MB 2004) (substituting Channel 226C3 for Channel 225C1, reallocating Channel 226C3 to Gladstone, Oregon, and modifying KAST-FM's license accordingly), *pet. for recon. and app. for review pending*. However, that action is effective but not final. See *Auburn, Alabama, et al.*, 18 FCC Rcd 10333 (MB 2003). Therefore, our action in this proceeding is subject to any action taken in MM Docket No. 02-136.

³ The reference coordinates for Station KAQX are 46-18-51 NL and 124-03-07 WL with a site restriction of 4.3 kilometers (2.6 miles) south of Long Beach.

Northwest for the reasonable costs and expenses associated with changing the Station KAQX channel.⁴ Additionally, to facilitate KAQX's channel change, we are substituting Channel 253A for vacant Channel 259A at Ilwaco, Washington at the same reference coordinates.⁵ The reference coordinates for Clatskanie, Long Beach, and Ilwaco, are all located within 320 kilometers (200 miles) of the U.S.-Canadian border. Although Canadian concurrence has been requested, notification has not been received. If construction permits for Channel 225C3 at Clatskanie, Oregon; Channel 259A Long Beach, Washington; and Channel 253A at Ilwaco, Washington are granted prior to receipt of formal concurrence by the Canadian government, the authorizations will include the following condition: "Operation with the facilities specified herein [for Clatskanie, Oregon; Long Beach or Ilwaco, Washington] is subject to the modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-United States FM Broadcast Agreement, or if specifically objected to by Industry Canada."

3. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

4. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective June 20, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the community listed below, as follows:

| <u>Community</u> | <u>Channel No.</u> |
|------------------------|--------------------|
| Clatskanie, Oregon | 225C3 |
| Ilwaco, Washington | 253A, 280C3 |
| Long Beach, Washington | 259A |

5. IT IS FURTHER ORDERED, That, pursuant to 47 U.S.C. 316(a), that the authorization of New Northwest Broadcasters, LLC for Station KAQX(FM), Channel 224A, Long Beach, Washington, IS MODIFIED to specify operation on Channel 259A at Long Beach, Washington, subject to the following conditions:

(a) Within 90 days of the effective date of the *Order*, the licensee of Station KAQX(FM) shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

⁴ See *Circleville, Ohio*, 8 FCC Rcd 159 (1967).

⁵ The coordinates at Ilwaco are 46-18-33 NL and 124-02-31 WL with a site restriction of 1 kilometer (0.6 miles) northwest of Ilwaco.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

6. A filing window period for Channel 225C3 for Clatskanie, Oregon will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That, the aforementioned proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

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Assistant Chief
Audio Division
Media Bureau